

A political science professor, a civil rights lawyer and a police chief walk into a classroom . . .

Author : Shea Denning

Categories : [Motor Vehicles](#), [Search and Seizure](#)

Tagged as : [Attorney General Loretta Lynch](#), [Frank Baumgartner](#), [Harold Medlock](#), [Ian Mance](#), [traffic stops](#)

Date : May 25, 2016

I haven't figured out the punch line to this joke. It was my opening line for a traffic stops session taught last month in the special topics seminar, *Race Issues in the Courts*, by UNC Professor Frank Baumgartner, Southern Coalition for Social Justice Staff Attorney Ian Mance, and Fayetteville Police Chief Harold Medlock. One reason that it is hard to finish the joke is that these three were on the same page, which is somewhat surprising given the roles they occupy.

I immediately thought of that talk yesterday when I saw [this News and Observer photograph](#) of United States Attorney General Loretta Lynch standing next to Chief Medlock. Lynch traveled to Fayetteville as part of her nationwide community policing tour. She chose Fayetteville in part because of the work the presenters discussed at our April conference.

In comes the professor with his data. [Baumgartner's analysis](#) of nearly 16 million traffic stops in North Carolina from 2002 through 2013 revealed that black drivers are much more likely than white drivers to be searched or arrested following each type of traffic stop studied, with the exception of driving while impaired. Baumgartner and his fellow researchers found that black drivers are:

- 200 percent more likely than white drivers to be searched
- 190 percent more likely to be arrested after having been pulled over for a seat belt violation
- 110 percent more likely to be searched or arrested following a stop for vehicle regulatory violations, and
- 60 percent more likely to be searched or arrested after being stopped for equipment issues.

Baumgartner also found stark age and gender disparities. Older drivers are less likely to be searched, and males are more likely than females to be searched. While racial disparities between the outcomes for black and white males were clear, this was not true for black and white females. Thus, Baumgartner and his colleagues focused their analysis on males.

Baumgartner considered two possible explanations for the higher rate at which black men are searched and arrested: racially differential policing and racially differential possession of contraband. He and his colleagues examined the five different types of searches reported by officers: incident to arrest, search warrant, protective frisk, consent, and probable cause. Overall, they found that black men are 97 percent more likely to be searched than white men. Moreover, blacks are more likely than whites to be searched based on probable cause and upon consent—both of which require the exercise of discretionary decision-making by a law enforcement officer. Baumgartner's study found that officers searching black males based on probable cause or consent are less likely to find contraband than they are when they search white males for the same reasons. Considered alongside the phenomenon that such searches are much more likely to be employed on a black driver, the researchers concluded that "these results paint a bleak picture of NC officer's abilities to discern when a black motorist should be searched." Baumgartner and his colleagues reported that disparities had grown stronger over time.

Enter the civil rights lawyer. Ian Mance, staff attorney for the Southern Coalition for Social Justice, wanted the public to have access to the data studied by Baumgartner and his colleagues. In December 2015, he launched a new website, [Open Data Policing NC](#), which aggregates public records on all reported traffic stops in North Carolina since 2002 and presents them in visually pleasing and intuitive formats. The website allows searches by agency, and contains data for most agencies that serve more than 10,000 people. Everyone, from elected officials to the police chief to the public, can review the metrics for law enforcement agencies across the state.

The police chief walks in. With his ramrod straight posture, impeccable uniform, and holstered black gun, Harold Medlock is unlikely to be mistaken for a social worker or upstart community activist. Instead, he is easily identifiable as the career law enforcement officer that he is. He served more than two decades on the Charlotte-Mecklenburg police force before being hired as the Fayetteville Police Chief in 2013. When he arrived, the city was experiencing a crisis of confidence in law enforcement. The city council had intervened in the day-to-day workings of the department a year earlier to halt consent searches which were criticized as disproportionately involving black residents. The city manager and its police chief, who had defended police practices, had [stepped down under pressure](#).

Chief Medlock embraced the data analysis that Baumgartner and Mance had to offer, and relied upon in instituting significant changes in Fayetteville's policing practices. [He told his officers not](#) to stop vehicles for regulatory offenses, such as broken taillights or expired registrations, which often serve as a mere pretext to ask for consent to search a vehicle. Instead, Medlock told officers to stop drivers who commit the sorts of traffic offenses that endanger the public, such as speeding, running red lights, and driving while impaired. Medlock also told his officers to avoid charging someone with [resisting an officer](#) unless some other more serious offense occurred. [Some view that charge](#) as a way for officers to arrest any citizen who does not cower to law enforcement.

Traffic stops in Fayetteville—and the resulting searches—[have declined significantly](#) since Medlock was hired. Medlock believes that as police make fewer stops for regulatory violations, racial disparities will be reduced. Medlock's efforts, which include an emphasis on officers interacting in a positive way with the citizens they serve, have had some success. [Traffic fatalities](#) and [overall crime rates are down](#), and [community trust seems to have increased](#). The racial gap in search rates between white and black drivers has been [largely eliminated](#).

In 2014, Medlock [asked the U.S. Department of Justice to review his department's procedures and policies](#)—even though the department was not experiencing an immediate crisis. DOJ's Community Oriented Policing Services Office made numerous recommendations. The Fayetteville police chief's receptiveness to collaborative reform [led to](#) the U.S. Attorney General's visit.

The Attorney General comes to town. Attorney General Lynch toured the Fayetteville Police Department yesterday and met with high school students who serve on Medlock's youth advisory council. One of the students, Dre'Shawn Spearman, [told Lynch](#) he felt good to have Medlock in charge of the police department and to have him connect with the community. Spearman said, "Not everybody can say that about their police department." Lynch responded, "Well, that's true actually."

It turns out that this partnership between an academic, a civil rights lawyer, and a city police chief really is no joke.